

Appl. No. 09/997,938  
Response dated February 20, 2007  
Reply to Office Action mailed October 18, 2006

Docket No. BP 1791

### IN THE DRAWINGS

Figure 12 has been amended to correct the spelling of the word "separates" in block 260. No new matter has been added by this amendment

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### REMARKS

The Specification is amended on page 11 to correct a grammatical problem and to clarify operation of the invention. Support for the added text is found in the description of and in Figure 11 wherein the target device is operable to determine a new power level.

Figure 12 is amended to correct a spelling error in block 260 to spell "separates" correctly.

In the above referenced Office Action, the Examiner rejected claims 1, 2, 5-7, 13-14, 17, 18, 21, 24-25, 29 and 32 under 35 USC § 102 (b) as being anticipated by Whitehead (U.S. Patent No. 5,732,077); and claims 8, 21, 23, 33 and 35 as being unpatentable over Eibling et al. (U.S. Patent No. 7,085,580) under 35 U.S.C. 103(a); and claims 3, 15, and 30 under 35 USC § 103 (a) as being unpatentable over Whitehead (U.S. Patent No. 5,732,077) in view of Park (U.S. Patent No. 6,212,364); and claims 9 and 22 as being unpatentable over Eibling et al. (U.S. Patent No. 7,085,580) in view of Park (U.S. Patent No. 6,212,364) under 35 U.S.C. 103(a). These rejections are traversed for the un-amended independent claims and are moot for the amended independent claims. As such, the applicant respectfully requests reconsideration of the allowability of claims. Independent claims 1, 13, 24, and 29 are amended and are believed to have at least one element not taught by any of the cited references. Independent claims 8, 21 and 33 are not amended and the Applicant responds to the rejections therefor with argument. Because the Applicant believes these claims have at least one element not taught by the cited art, the Applicant believes they too are allowable.

Each of the independent claims as presently constituted requires a receiver to calculate a signal strength for a received signal or packet and to transmit the received signal strength to a transmitter that has transmitted the received data packet or signal. This calculated or determined signal strength is sent to the transmitter to allow it to use the value to determine whether and how to adjust a transmission power level for

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subsequent transmissions to the receiver. None of the cited passages of the cited prior art references teach a receiver transmitting a calculated (determined) signal strength.

Whitehead, at col. 3, ll. 5-29, teaches “the intended receiver of a packet determines ... the particular power level at which the sending station is authorized to transmit the packets” in addition to whether the sending station is even allowed to send the packet(s). Whitehead does not specifically say the receiver sends a specific transmit power level to the transmitter in the cited passage, though it is possible that Whitehead intended such operation. Whitehead clearly does not, however, say that the receiver calculates a received signal strength and then sends the signal strength to the transmitter to allow the transmitter to determine whether to adjust a power level. On the contrary, Whitehead teaches that the receiver determines the maximum power level for the transmissions from the transmitter.

The Official Action cites Eibling et al. for teaching “transmitting, by the targeted wireless device, the determined signal strength of the packet to the transmitting wireless device” and cites in support col. 2, ll 27-46.

Eibling et al., which are particularly concerned with CDMA communication systems in which a receiver typically sends power commands to the base station transmitter, actually only teach that the receiver “indicates to base station 112 whether the forward-link traffic signal strength is sufficient.” <emphasis added>. Whether a signal strength is sufficient is different from sending a calculated received signal strength. As with Whitehead, Eibling et al. teach the receiver making the determination about whether a forward link transmission power level needs to be increased since an indication that the power is insufficient suggests that power should be increased. See col. 2, ll. 46-47 and 50-51.

The Applicant also traverses the reference of Eibling et al. because CDMA power control systems are traditionally adapted for cellular communications wherein there is no frequency division multiplexing or carrier sensing. In CDMA networks, all users

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typically communicate at the same frequency bandwidth using spread sequence coding techniques and power control techniques to limit or reduce interference. Because a plurality of mobile stations are allowed to communicate in the same bandwidth within a proximate area to each other, power management is a very important part of reducing interference between the proximate mobile stations. Thus, CDMA power control schemes have substantially different operational requirements than those for a wireless local area network. For example, Whitehead teaches that, for local area networks, a Carrier Sense Multiple Access (CSMA) scheme is used in which a transmitter attempts to detect whether a communication is ongoing prior to sending a transmission (to avoid interference or collisions). See Whitehead, col. 1, ll. 25-36. In CDMA, on the other hand, coding techniques are used to avoid collisions and power control is used to minimize interference. As such, local area networks clearly have different and inconsistent operational requirements. The Applicant does not believe that Eibling may properly be used singularly or in combination with other references for teachings relating to power control for a wireless local area network. Moreover, the Applicant notes that Eibling seems to be directed to allow a base station to "detect overload conditions" to protect the amplifier in CDMA networks. See col. 5, ll. 23-24.

With respect to the rejection of claims 9 and 22, Park is cited for disclosing "separating the recaptured data to isolate the indicated power level of transmission from data (13, fig. 1)". Item 13 of Figure 1 shows a demodulator. The claimed invention does require, in one element of claims 9 and 22, demodulating a baseband signal to extract corresponding data. For example, three elements of claim 9 are:

*demodulating, by the targeted wireless device, the baseband signal to recapture data;*

*computing, by the targeted wireless device, accuracy of the recaptured data;*

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*separating, by the targeted wireless device, the recaptured data to isolate the indicated power level of transmission from data;*

To demodulate a signal, as is known, is to remove the modulation from an analog signal as a part of extracting the associated digital data. This is a different step from the third limitation cited above which requires separating the recaptured data (after demodulation) to isolate the indicated power level of transmission. The cited passage of Park only teaches demodulation and does not teach the separation of a specified data value (indicated power level of transmission).

With respect to the rejection of claim 10, Whitehead is cited for teaching “an indicated power level of transmission by the transmitting wireless device”. As discussed previously, this passage is directed to specifying a maximum acceptable transmission power level (for subsequent transmissions) and not to indicating a calculated signal strength for a received signal. See col. 3, ll. 17-18 where Whitehead states “the particular power level at which the sending station is authorized to transmit the packet(s).”

Independent claims 1, 13, 24, and 29 are amended to include the limitation of the receiver sending the determined signal strength to the transmitter. It is believed that this amendment renders the grounds of rejection therefor moot as none of the cited references teach this element. Independent claims 8, 21 and 33 are not amended because they already require the receiver to transmit the determined signal strength to the transmitter. As discussed above, the cited references teach something different from the receiver sending the determined signal strength and therefore, either singly or in combination, do not teach all of the elements of the independent claims.

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For the foregoing reasons, the applicant believes that the independent claims and their associated dependent claims are in condition for allowance respectfully request that they be passed to allowance.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at [jharrison@texaspatents.com](mailto:jharrison@texaspatents.com).

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 50-2126 (ref. BP 1791).

Respectfully submitted,

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